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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,278	04/02/2002	Martin Hassler	102126--(320)	8313

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07/17/2003

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EXAMINER

COMPTON, ERIC B

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 07/17/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,278

Applicant(s)

HASSLER

Examiner

Eric B. Compton

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 1c, uses the term "HUB" In the speciation; but the specification refers to this a stroke. See page 5, lines 14-19. It appears that this term is a foreign word since it was also used in the foreign language parent document. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the terms do not comport with that in the specification. For example Applicant uses carriage (2.4) in the abstract, but slide in the specification. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: on page 6, line 7, "fixing elements 2.2" should read --fixing elements 2.3--.

Appropriate correction is required.

4. Applicant may have to make changes as appropriate due to translation problems. A list of errors, associated with the claims is indicated below.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 14, steps c) and e), although not claimed necessarily as such, are essentially redundant in nature, relating to mounting the cross member. It appears the in step d) the releasable element is disengaged (i.e., not in positive fit, or language contrary to step j) with the slide. In both steps f) and h) "a first position" is introduced; a limitation should only be introduced once. The language of these steps also suggests a redundancy. In step l), line 1, "the new hammer" lacks antecedent basis. Overall the claim is confusing, as indicated above, since it uses terminology in one step and different terminology for the same process in another step, apparently due to a direct translation. Applicant should resolve this problem to make the claim read better.

Claim 19, line 5, states the "cross member (2.1) with fixing elements (2.3) for attachment to a rotor (1) ..." However, lines 6-8, recite " ... both the entire slide (2.4) as well as the cross member (2.1) and the drive unit (2.8) can move relative to the rotor (1) and relative to one another ..." If the cross member is attached the rotor it cannot also

Art Unit: 3726

move relative to the rotor. See Figure 3 B-B (cross member (2.1) attached to rotor (1.2)). Also, the drive unit (2.8) and slide (2.4) are connected and move as a unit; thus they cannot move relative to each other. See page 4, lines 27-29; Figure 1 (a)-(c). Furthermore, "both" generally refers to the combination of only two things, however, Applicant use "both" to modify three elements: slide; cross member; and drive unit. It appears Applicant meant to claim, that the pulling head (2.2) is affixed to the hammer axle (1.5) and connected to the slide (2.4) such that pulling head (2.2) can assume several relative positions thereto by a releasable element (2.5) while reciprocating. See page 5, lines 8-19; claim 14.

In claim 23, line 2, the phrase "such as" renders the claim indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. It is appears that Applicant intends to further define the releasable element.

In claim 24 (which depends from claim 19), line 1, "the releasable element" lacks antecedent basis. See also claim 25, line 5-6, with respect to "the releasable element. It appears Applicant meant to claim in claim 19, that the pulling head (2.2) is affixed to the hammer axle (1.5) and connected to the slide (2.4) such that pulling head (2.2) can assume several relative positions thereto by a releasable element (2.5). See page 5, lines 8-19.

These are just some of the errors noted. Applicant is requested to thoroughly re-read the claims and make corrects where appropriate. Applicant may have to amend the specification as well to comply.

Allowable Subject Matter

7. Claims 14-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: page 5, lines 14-19, teaches a reciprocating method (e.g., repeating advancing and retracting the slide) for removing a hammer axle from a crusher. See Figure 1 c, illustrating 3 strokes of the slide to pull axle. A device to carry out the invention is also disclosed. The prior art does not suggest a device having this exact configuration or method of using thereof.

The prior art of record does not teach or suggest a device (and method of using) for demounting/remounting a hammer axle from a rotor of a hammer crusher: comprising:

a drive unit (2.8) connected to both a lockable slide (2.4) and a cross member (2.1), wherein the cross member is attached to a rotor (1) of the hammer crusher (not shown) with fixing element (2.3); and

a pulling head (2.2) attached to the hammer axle (1.5) and connected to the slide (2.4), such that pulling head (2.2) can assume several relative positions to the slide (2.4) by a releasable element (2.5) while reciprocating the slide (2.4).

Prior Art References

The prior art references listed on the enclosed PTO-892, but not used in a rejection of the claims, are cited for their teachings of methods and devices for demounting/remounting hammer crushers.

U.S. Patent 5,129,133 to Reesor et al, show a pulling device comprising: a drive unit (1) connected to a slide (4). A pulling head (14) attaches to an element (31) to be pulled and the slide (4). Although not attached to the housing (see Figures 3-4) where the element (31) is removed, the elements (8) bear against it and act in a similar manner to the cross member of Applicant. The pulling head (14) may assume several relative positions with respect to the slide by a releasable element (pin 18), as shown in Figure 4. However, Reesor et al does not disclose a releasable element such the pulling head can assume several relative positions with respect to the slide while reciprocating. See also U.S. Patent 3,785,617 to Friedrich.

U.S. Patent 5,020,914 to Wurl et al discloses an invention similar to Applicant (see Figure 7; Col. 5, lines 24-59). A carriage (74) is shown that would correspond to the slide of Applicant. Although a tool (78) is used that corresponds similarly to the cross element of Applicant, the relationship between the slide and cross element is not known. It appears tool (78) is probably a hand tool.

Art Unit: 3726

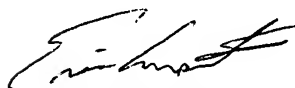
U.S. Patent 3,834,668 to Casey shows a similar device for pushing, wherein a releasable element (see Figure 4), between the element to be pushed and the drive unit (22). But the reference does not disclose a slide, such that pulling head can assume several relative positions with respect to the slide by reciprocating.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory M. Vidovich can be reached on (703) 308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Eric Compton
Patent Examiner
A/U 3726

July 13, 2003